

**BOROUGH OF MIDDLESEX
SPECIAL MEETING MINUTES
JUNE 12, 2014**

MAYOR'S STATEMENT: Under the provisions of N.J.S.A. 10:4-6 et seq., notice of the time and place of this meeting was given by way of the Special Meeting Notice of May 30, 2014 and was forwarded to the Star Ledger, Courier News and Home News, and posted at Borough Hall.

SALUTE TO THE FLAG

ROLL CALL

Mayor	Ronald Dobies
Council President	Sean Kaplan
	Kevin Dotey (absent)
	Stephen Greco
	Patricia Jenkins (absent)
	Bob Schueler
	Michele Tackach (absent)
Attorney:	Aravind Aithal
	William Robertson, Esq.
Borough Planner	Paul Ricci

Attorney Aithal noted that tonight at tonight's meeting is our conflict attorney. The Redevelopment – Phase I contemplates at least one property that is owned by a former client of his firm and though they are not currently doing any work for this developer, Attorney Aithal felt it would be prudent to recuse himself from advising the board. Attorney William Robertson is here tonight as the Borough's conflict attorney.

Mayor Dobies opened the meeting stating that the Planning Board unanimously voted last night to recommend that the Borough Council of the Borough of Middlesex find that the Study Area be designated an area in need of non-condemnation redevelopment meeting criteria (a), (b), (c), (d), and (h) of the Redevelopment Law.

The Mayor then asked the Borough Planner give a brief presentation.

Mr. Ricci stated that the Council requested that the Planning Board study portions of Lincoln Boulevard and portions of the Mountain Avenue area to determine if it qualifies as an area in need of redevelopment. The Borough has chosen to undertake the study in a manner where redevelopment would only occur if property owners choose to partake. The condemnation of

property is not permitted as a matter of law. Any participation in the Redevelopment Planning by property owners will be by their own accord.

The area currently being studied is located within a rehabilitation area and is governed by the existing Lincoln Boulevard Redevelopment Plan or the Borough's traditional zoning ordinance and map. The Phase 1 Area is approximately 26.6 acres in area and contains 32 properties.

Councilman Kaplan asked how the Borough would enter into a Pilot Program. Attorney Robertson stated that we would need to do a separate resolution at another meeting. Mayor indicated that this would be done at a future meeting and our Redevelopment Attorney would come before the Governing Body for a presentation.

Mayor Dobies opened the Public Portion of the meeting for any comments.

John Mravcak, 128 Wood Avenue stated that he was glad to see that this did not include eminent domain and that it is a voluntary redevelopment. Mr. Mravcak stated that if this happens that the zoning official/code enforcer and the inspectors need to follow the redevelopment plan and that we streamline the process so it doesn't take 3-6 months and felt we should make the Construction Official full-time.

Mayor Dobies noted that this could be done in phases or altogether. Councilman Schueler recommended that all three phases be done at the same time.. Mayor Dobies stated that the next step is for the Planner to work with the Borough Council to prepare a Redevelopment Plan for the Study Area.

Seeing that there was no further public participation, Mayor Dobies closed the public portion of the meeting.

The Borough Clerk read the following resolution:

BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex that:

Resolution #158-14

RESOLUTION OF THE COUNCIL OF THE BOROUGH OF MIDDLESEX DESIGNATING THAT THE PROPERTIES IDENTIFIED AS BLOCK 122, LOTS 2, 3, 4.01; BLOCK 125, LOTS 1, 3, 5, 8, 9.01, 11.01; BLOCK 126, LOT 4.02; BLOCK 127, LOT 22; BLOCK 128, LOTS 1, 2; BLOCK 129, LOTS 3.01, 3.02, 4, 5; BLOCK 132, LOTS 1, 1.01; BLOCK 140, LOTS 1, 2, 3, 5, 6; BLOCK 348, LOTS 1.01, 3; BLOCK 129, LOTS 1, 2; BLOCK 349, LOTS 1, 2, 3, 3.01, BE DESIGNATED AS AN AREA IN NEED OF NON-CONDEMNATION REDEVELOPMENT.

WHEREAS, the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "Redevelopment Law") authorizes municipalities to determine

whether certain parcels of land located with the municipality constitute areas in need of non-condemnation redevelopment; and

WHEREAS, to determine whether the Lincoln Boulevard - Phase 1 Area constitutes an area in need of redevelopment, the Borough Council (the "Council") of the Borough of Middlesex (the "Borough"), by way of Resolution Nos. 324-13 and 96-14, authorized and directed the Borough of Middlesex Planning Board (the "Planning Board") to conduct a preliminary investigation pursuant to the Redevelopment Law to determine whether the property identified as Block 122, Lots 2, 3, 4.01; Block 125, Lots 1, 3, 5, 8, 9.01, 11.01; Block 126, Lot 4.02; Block 127, Lot 22; Block 128, Lots 1, 2; Block 129, Lots 3.01, 3.02, 4, 5; Block 132, Lots 1, 1.01; Block 140, Lots 1, 2, 3, 5, 6; Block 348, Lots 1.01, 3; Block 129, Lots 1, 2; Block 349, Lots 1, 2, 3, 3.01, as shown on the Tax Map of the Borough (the "Study Area"), constitutes an "area in need of non-condemnation redevelopment" in accordance with the criteria set forth in N.J.S.A. 40A:12A-5; and

WHEREAS, on April 9, 2014, the Planning Board authorized Paul N. Ricci, P.P., Lic. No. L1005570 (the "Planning Consultant") to conduct an investigation to determine whether the Study Area, or any portion thereof, constitutes an area in need of non-condemnation redevelopment in accordance with the Redevelopment Law, and to prepare a preliminary investigation report of the Study Area (the "Study"); and

WHEREAS, the Planning Consultant prepared the Study, titled "Redevelopment Study and Preliminary Investigation Report Lincoln Boulevard – Phase 1", dated May 19, 2014, which details the findings and recommendations relevant to whether the Study Area should be designated as an area in need of non-condemnation redevelopment, as well as a map of the Study Area; and

WHEREAS, the Redevelopment Law requires the Planning Board to conduct a public hearing prior to making its determination whether the Study Area should be designated as an area in need of non-condemnation redevelopment, at which hearing the Planning Board shall hear all persons who are interested in or would be affected by a determination that the Study Area is a redevelopment area; and

WHEREAS, the Redevelopment Law further requires the Planning Board, prior to conducting such public hearing, to publish notice of the hearing in a newspaper of general circulation in the municipality once each week for two consecutive weeks, with the last publication made not less than ten (10) days prior to such public hearing; and

WHEREAS, the Redevelopment Law further requires such notice to be mailed at least ten days prior to such public hearing to the last owner(s) of the relevant property(ies) and interested parties according to the Borough's assessment records; and

WHEREAS, the Planning Board caused the aforementioned notices to be published in the Borough official newspaper, and provided notice to the affected property owners and interested parties in accordance with the Redevelopment Law; and

WHEREAS, on June 11, 2014, at the time and date of the noticed public hearing, the Planning Consultant, being sworn and qualified as an expert in professional planning, made a presentation of the Study to the Planning Board; and

WHEREAS, in addition to the presentation of the Planning Consultant, at the public hearing the Planning Board heard testimony and evidence from members of the public, who also were given an opportunity to cross-examine the Planning Consultant and address questions to the Planning Board concerning the potential designation of the Study Area as an area in need of non-condemnation redevelopment; and

WHEREAS, the Planning Consultant concluded that the Study Area satisfies the criteria (a), (b), (c), (d) and (h) of the Redevelopment Law, N.J.S.A. 40:A:12A-5, and that the Study Area as an area in need of non-condemnation redevelopment; and

WHEREAS, the Planning Board did not receive any written comments or objections to the Study prior to or during the public hearing on June 11, 2014; and

WHEREAS, at the conclusion of the public hearing, the Planning Board found that the Planning Consultant's conclusions in the Study and his testimony provide substantial evidence to support the findings that the Study Area satisfies criteria (a), (b), (c), (d) and (h) of the Redevelopment Law, N.J.S.A. 40:A:12A-5, that the public questions and comments did not erode the Planning Consultant's testimony or conclusions, and that the collective designation of the Study Area as an area in need of non-condemnation redevelopment is necessary for the effective redevelopment of the Study Area; and

WHEREAS, by a vote of 8 to 0, the Planning Board unanimously voted to recommend that the Borough Council of the Borough of Middlesex find that the Study Area be designated a an area in need of non-condemnation redevelopment meeting criteria (a), (b), (c), (d) and (h) of the Redevelopment Law, N.J.S.A. 40:A:12A-5; and

WHEREAS, on June 11, 2014, the Planning Board adopted a Resolution memorializing the decision made on June 11, 2014; and

WHEREAS, the Planning Board submitted the memorializing Resolution, along with a copy of the Study and all exhibits presented at the June 11, 2014 public hearing to the Borough Clerk for distribution to the Mayor and Council for consideration thereof; and

WHEREAS, after review and consideration of the Planning Board's recommendation, including all documents submitted therewith, the Borough Council agrees with the conclusion of the Planning Board that the Study Area meets the aforementioned criteria for a non-condemnation redevelopment area designation, and the Borough Council finds that such conclusion is supported by substantial evidence; and

WHEREAS, the Borough Council further agrees with the recommendation of the Planning Board that the Study Area, collectively, be designated as an area in need of non-condemnation redevelopment pursuant to the Redevelopment Law, and

WHEREAS, the Borough Council now desires to designate the Study Area, collectively, as an area in need of non-condemnation redevelopment for the effective redevelopment of the Study Area, pursuant to N.J.S.A. 40A:12A-6; and

WHEREAS, the Borough Council further desires to authorize and direct the Planning Consultant work with the Borough Council to prepare a redevelopment plan for the Study Area and present same to the entire Borough Council pursuant to N.J.S.A. 40A:12A-7f.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, in the County of Middlesex, and State of New Jersey, as follows:

1. The aforementioned recitals, including the Study and exhibits presented at the June 11, 2014 public hearing before the Planning Board are incorporated herein as though fully set forth at length.
2. The Borough Council hereby designates the Study Area as an area in need of non-condemnation redevelopment pursuant to N.J.S.A. 40A:12A-6, satisfying criteria (a), (b), (c), (d) and (h) of the Redevelopment Law, N.J.S.A. 40A:12A-5.
3. The Planning Consultant work with the Borough Council to prepare a redevelopment plan for the Study Area (to be hereinafter referred to as the

Redevelopment Area), and present same to the entire Borough Council pursuant to N.J.S.A, 40A:12A-7f.

4. The Clerk of the Borough shall forward a copy of this Resolution to the Commissioner of the New Jersey Department of Community Affairs for review and approval by regular and certified mail (return receipt requested).

5. The Borough Clerk shall, within ten (10) days after the Council determination, serve upon all record owners of property located within the Study Area or Redevelopment Area, those whose names are listed on the Tax Assessor's records as interested parties, and upon each person who filed a written objection to the Study to the address listed on the written submission.

BE IT FURTHER RESOLVED that this Resolution shall take effect pursuant to law.

Councilman Schueler made a motion for approval seconded by Council President Kaplan and carried by the following roll call vote: Ayes: Greco, Kaplan, and Schueler. No: None. Abstain: None.

ADJOURNMENT

Councilman Schueler made a motion to adjourn the Regular Meeting seconded by Councilman Greco and carried by a unanimous vote of members present.

Respectfully yours,

Kathleen Anello, RMC
Borough Clerk